

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joel Brito-Ramirez, <i>A# 209-012-165</i> ,)	C/A No. 0:17-463-TMC-PJG
)	
Petitioner,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
John Kelly, <i>Secretary, Department of</i>)	
<i>Homeland Security, Sean Gallagher, Atlanta</i>)	
<i>Field Office Director, U.S. Immigration and</i>)	
<i>Customs Enforcement, J. Al Cannon, Jr.,</i>)	
<i>Sheriff, Charleston County Detention Center,</i>)	
)	
Respondents.)	
)	

Petitioner Joel Brito-Ramirez, an alien detainee, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. This matter comes before the court pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) for a Report and Recommendation on Petitioner's motion for a temporary restraining order.¹ (ECF No. 3.) Following a telephonic hearing with all parties appearing through counsel, the parties agreed that Petitioner was no longer housed in the District of South Carolina. Based on the foregoing and with agreement of the parties, the court recommends that the motion be denied because the relief sought is moot.

February 17, 2017
Columbia, South Carolina


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

The parties' attention is directed to the important notice on the next page.

¹ Because counsel for all parties were accessible and cooperative in participating in the telephone hearing on short notice, the court is treating the motion as one for a preliminary injunction under Fed. R. Civ. P. 65(a) with an expedited hearing rather than an *ex parte* temporary restraining order pursuant to Fed. R. Civ. P. 65(b).

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).